

MANISH KUMAR (CSBN 269493)
ALBERT B. SAMBAT (CSBN 236472)
SUSAN A. MUSSER (MOBN 63116)
ASHLEY EICKHOF (CSBN 307143)
U.S. Department of Justice
Antitrust Division
450 Golden Gate Avenue
Box 36046, Room 10-0101
San Francisco, CA 94102
ashley.eickhof@usdoj.gov
Telephone: (415) 934-5300

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA

v.

ALVIN FLORIDA, JR.,
ROBERT ALHASHASH RASHEED,
JOHN LEE BERRY, III,
REFUGIO DIAZ, and
STEPHAN ALEXANDER FLORIDA,

Defendants.

CASE NO. CR 4:14-00582 PJH

JOINT PROPOSED VOIR DIRE

Pretrial Conference: October 12, 2016
Court: Hon. Chief Judge Phyllis J. Hamilton
Trial Date: October 31, 2016

The government and undersigned defense counsel jointly request that the following questions be asked in voir dire of prospective jurors in this case. These questions are in addition to the standard questions concerning each prospective juror's education, occupation, residence, family, and prior experiences with the courts and the criminal justice system. In the alternative, the parties request that the below questions (and any questions independently submitted by either party and approved by the Court) be provided to the jury in the form of a written juror questionnaire.

1. Ask counsel to introduce themselves and identify the case agent/defendants.

a. Do any members of the panel know the attorney for Alvin Florida, Shaffy Moeel?

- b. Do any members of the panel know the attorney for Robert Rasheed, Steven Gruel?
- c. Do any members of the panel know the attorneys for John Berry, John Forsyth or Richard Hullinger?
- d. Do any members of the panel know the attorney for Refugio Diaz, Edwin Prather or Max Mizono?
- e. Do any members of the panel know the attorneys for the government Manish Kumar, Albert B. Sambat, Susan A. Musser, Ashley Eickhof, or anyone else employed by the Department of Justice?
- f. Do any members of the panel know any of the government's witnesses in this case [read list]?
2. Do any members of the panel know any of the defendants?
- a. Alvin Florida
- b. Robert Rasheed
- c. John Berry
- d. Refugio Diaz
- e. Stephan Florida
3. Have you or anyone close to you ever had a negative experience with law enforcement?
4. Have you, or any member of your family, or any close friend ever been arrested, a defendant in a criminal case, or accused of a criminal offense?
- a. Do you feel that person was wrongfully or inappropriately arrested?
- b. Considering your feelings about that matter, do you feel you can be fair, objective, and impartial to both sides here?
5. Do any of you have beliefs, whether religious, political, or otherwise, that make it difficult for you to decide the guilt or innocence of the defendants in this case?
6. Have you, a member of your family, or a close friend ever been the victim or witness of a crime?

//

- 1 7. Does anyone have any difficulty with the rule of law that the government bears the
2 burden of proving guilt beyond a reasonable doubt?
- 3 8. Does the nature of the charges cause you any difficulties such that you feel you could not
4 be a juror in this case, or that you could not be a fair and impartial juror to both sides?
- 5 9. Do you have any education, training, or other specialized knowledge in the area of law?
6 If so, please explain.
- 7 10. Have you, a member of your family, or a close friend ever worked in the real estate
8 industry, for example as a real estate agent, mortgage broker, appraiser, title company
9 employee, or loan officer?
- 10 11. Have you, a member of your family, or a close friend ever participated in a foreclosure
11 auction?
- 12 12. Have you, a member of your family, or a close friend ever experienced a property
13 foreclosure? If so, please describe your experience.
- 14 a. Do you have any feelings about that experience that would prevent you from
15 being fair, objective, and impartial in this case?
- 16 13. Have you, a member of your family, or a close friend ever worked in the banking
17 industry or for a financial institution that made home loans?
- 18 14. Have you, a member of your family, or a close friend ever worked for a trustee or an
19 auctioneer involved in real estate foreclosure auctions?
- 20 15. Is there any reason why you would not be able to give your full attention to this case?
- 21 16. Will any of you have difficulty seeing or hearing the witnesses?
- 22 17. Are you taking any medication that makes you sleepy or affects your ability to
23 concentrate?
- 24 18. Do you speak and read English fluently?
- 25 19. If you are selected to be a member of this jury, the Court will instruct you that it is your
26 duty to follow the law, regardless of what you believe the law is or ought to be. Can
27 everyone assure the parties that they will follow the Court's instructions on the law,
28 regardless of what you personally believe the law is or ought to be?

- 1 20. The government has the burden of proving the defendant guilty by a reasonable doubt. Is
2 there any member of the prospective jury panel who feels that the government must prove
3 its case beyond all doubt or to an absolute certainty?
- 4 21. Does any member of the jury feel that he/she would be unable to convict someone of a
5 crime?
- 6 22. Now, I am going to ask you to put yourselves in the shoes of the lawyers and the parties
7 in this case and ask yourself this: Is there anything you know about yourself which if you
8 were one of the lawyers or one of the parties to this case you would want to know before
9 selecting you as a juror?

10
11 DATED: September 28, 2016

Respectfully submitted,

12 _____/s/_____
13 SHAFFY MOEEL
14 Attorney for Defendant
 ALVIN FLORIDA, JR.

15 _____/s/_____
16 STEVEN GRUEL
17 Attorney for Defendant
 ROBERT ALHASHASH RASHEED

18 _____/s/_____
19 JOHN FORSYTH
20 Attorney for Defendant
 JOHN LEE BERRY, III

21 _____/s/_____
22 EDWIN PRATHER
23 Attorney for Defendant
 REFUGIO DIAZ

24 _____/s/_____
25 ASHLEY EICKHOF
26 MANISH KUMAR
27 ALBERT B. SAMBAT
 SUSAN A. MUSSER
 Trial Attorneys
 Antitrust Division
 U.S. Department of Justice